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BY: ~~Ivy Rice~~

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4

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
6 INA AND FOR THE COUNTY OF YAVAPAI

7 STATE OF ARIZONA

8 Plaintiff,

9 vs.

10 STEVEN CARROLL DEMOCKER

11 Defendant.
12

No. P1300CR201001325

REPLY TO RESPONSE TO REQUEST
FOR DEPOSITION OF DET. BROWN
(Oral Argument Requested)

13
14 COMES NOW THE DEFENDANT, by and through his attorney undersigned, and
15 respectfully Replies to the Response to Request for Deposition of Det. Brown.

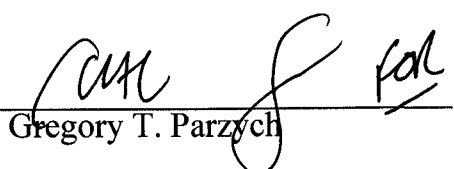
16 During the original interview, Det. Brown was instructed not to give his opinion as
17 to how DNA of a person whose autopsy was performed prior to the victim's autopsy ended
18 up under the victim's fingernails. The state's position is that the question calls for
19 speculation. However, a pretrial interview is not the same as a trial examination. The
20 Rules of Evidence do not apply to pretrial interviews. The defense is entitled to question
21 potential state witnesses as to their observations, thoughts, ideas, theories and follow up
22 with additional questions.

23 Clearly DNA found under the victim's fingernails is a topic that can and should be
24 covered in a pretrial interview. The state's witnesses' belief as to how that occurred is
25 important to the defense. The defense has a right to know not only the state's witnesses'
26 thoughts, but also the basis of those thoughts – i.e. what facts were relied upon, who else
27 was consulted, etc. Whether the same questions may be admissible under the Rules of
28

1 Evidence at trial can be determined at trial, or in a pretrial Motion In Limine. As such, the
2 defense requests this Court to order the witness to answer questions regarding the DNA
3 irrespective of any potential trial evidentiary issues.

4
5 Respectfully submitted this 15 day of August, 2011.

6
7 By


Gregory T. Parzych


8
9 Original of the foregoing pleading
10 filed this 15 day
of August, 2011, to:

11 Clerk of Court
12 Yavapai County Superior Court
120 South Cortez St.
Prescott, Arizona 86303

13 Copy of the foregoing pleading
14 mailed this 15 day
of August, 2011, to:

15 The Honorable Warren R. Darrow
16 Jeffrey Paupore, Steve Young, Office of the Yavapai County Attorney
17 Craig Williams

18
19 By


Gregory T. Parzych